

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHERMAN COLEMAN,	:	
Plaintiff,	:	
v.	:	Case No. 2:07-15-KRG-KAP
MICHAEL HERBIK, M.D.; ROBERT	:	
TRETINIK, R.N.; and PRISON	:	
HEALTH SERVICES, S.C.I. FAYETTE,	:	
Defendants	:	
SHERMAN COLEMAN,	:	
Plaintiff,	:	
v.	:	Case No. 2:07-166-KRG-KAP
MICHAEL HERBIK, M.D.; and	:	
PRISON HEALTH SERVICES, S.C.I.	:	
FAYETTE,	:	
Defendants	:	

MEMORANDUM ORDER

These matters were referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

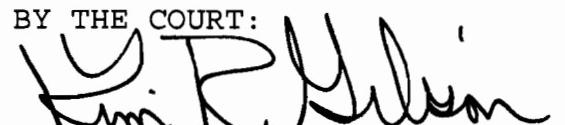
On February 12, 2007, the Magistrate Judge filed a Report and Recommendation recommending that the complaint in Coleman v. Herbik, Case No. 2:07-cv-15-KRG-KAP, be dismissed without prejudice to filing an amended complaint at Coleman v. Herbik, Case No. 2:07-cv-166-KRG-KAP.

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed a motion to amend Coleman v. Herbik, Case No. 2:07-cv-166-KRG-KAP, docket no. 6, and not objecting to the dismissal of Coleman v. Herbik, Case No. 2:07-cv-15-KRG-KAP.

After de novo review of the record of these matters together with the Report and Recommendation, the following order is entered:

AND NOW, this 27<sup>th</sup> day of February, 2007, it is  
ORDERED that the complaint at Coleman v. Herbik, Case No. 2:07-cv-15-KRG-KAP is dismissed pursuant to Fed.R.Civ.P. 42(a), without prejudice to plaintiff filing an amended complaint at Coleman v. Herbik, Case No. 2:07-cv-166-KRG-KAP. The Report and Recommendation is adopted as the Opinion of the Court. The Clerk shall mark Coleman v. Herbik, Case No. 2:07-cv-15-KRG-KAP, closed.

BY THE COURT:



KIM R. GIBSON  
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Sherman Coleman AJ-2324  
S.C.I. Fayette  
P.O. Box 9999  
LaBelle, PA 15450